

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CHAMBERS
U.S.D.C. Atlanta

NOV 10 2008

By: JAMES R. HATTEN, Clerk
Deputy Clerk

KEG Technologies, Inc., and
Kurt Horger,

Plaintiff,

CIVIL ACTION NO.

v.

1:08-CV-0393-JEC

Sewer Equipment Corporation,
USB-Sewer Equipment
Corporation, et al.,

Defendants.

ORDER

This case is before the Court on several motions, including defendants' Motion for Extension of Time to File Motion for Bifurcation of Discovery and Trial [40]; defendants' Motion to Bifurcate [41]; and defendant's Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process [48].

As to defendants' Motion for Extension of Time to File Motion for Bifurcation of Discovery and Trial [40], and defendants' Motion to Bifurcate [41], the Court **GRANTS** the former and **DENIES** the latter.

Several motions to compel [70, 71, and 72] have now been referred to the magistrate judge, Judge Cole. From this court's brief review, it appears that today's ruling denying the motion to

bifurcate may resolve some of those motions; further, it appears that some of the items requested by plaintiff may not be in existence.

Accordingly, plaintiff shall file a pleading within **TWENTY (20) DAYS** that sets out what matters remain a subject of the above motions to compel. The Clerk shall submit this pleading to Judge Cole. To the extent that defendants have resisted disclosure of some documents, premised on defendants' hope that this Court would grant the motion to bifurcate, defendants shall now disclose those items to the plaintiffs within **TEN (10) DAYS** of the date of this Order.

In addition to the above motions, defendant USB-Sewer Equipment International GMBH has filed a Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process [48]. Plaintiffs have indicated in response the need for discovery. The Court will permit a **ninety-day period of discovery**, to conclude on **February 6, 2009**. Defendant's Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process [48] shall be **DENIED WITHOUT PREJUDICE**, pending this discovery. Defendants may refile this same motion or a revised motion on **February 9, 2009**.

CONCLUSION


In conclusion, the Court **GRANTS** defendants' Motion for

Extension of Time to File Motion for Bifurcation of Discovery and Trial [40], **DENIES** defendants' Motion to Bifurcate [41]; and **DENIES WITHOUT PREJUDICE** defendant's Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process [48] .

In addition, plaintiffs shall file a pleading within **TWENTY (20) DAYS** from the date of this Order that sets out what matters remain a subject of the motions to compel [70, 71, 72]. Defendants shall disclose any outstanding documents that were awaiting a ruling on the motion to bifurcate, within **TEN (10) DAYS** of the date of this Order.

Further, the Court will permit a **ninety-day period of discovery**, to conclude on **February 6, 2009**, concerning defendant's Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process [48], which is now **DISMISSED without prejudice** pending this discovery. Defendants may refile this same motion or a revised motion on **February 9, 2009**.

SO ORDERED, this 7 day of November, 2008.



JULIE E. CARNES
UNITED STATES DISTRICT JUDGE